



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

September 10, 2013

Federal Express

PARTIAL DENIAL LETTER

Keri L. Cowley
Senior Analyst
Shook, Hardy & Bacon LLP
2555 Grand Blvd.
Kansas City, MO 64108-2613

Re: Freedom of Information Act Request: R9-2013-009029

Dear Ms. Cowley:

This is in response to your above-referenced Freedom of Information Act (FOIA) request, dated August 8, 2012¹, in which you requested:

"all responses (other than extension requests), submitted by any person or entity in response to U.S. EPA's September 28, 2012 Special Notice Letter (SNL) related to the Omega Chemical Corporation Superfund Site, Operable Unit 2, Los Angeles, California...[including] any 'good faith offer' in response to the SNL."

On the enclosed DVD, you will find copies of most of the documents responsive to your request. We are unable to provide you with certain documents and/or certain portions of documents that have been determined to be exempt from mandatory disclosure by virtue of the following FOIA provisions:

- 5 U.S.C. Section 552(b)(6) (information the release of which would constitute a clearly unwarranted invasion of personal privacy of third parties); and/or
- Section 552(b)(7)(A) (information whose release could interfere with enforcement proceedings).

An itemized list by category of the withheld material, along with the basis for withholding it, is noted in the enclosure to this letter.

¹ For the record, EPA's FOIA Office received this letter on August 12, 2013. The letter was erroneously dated August 8, 2012.

Under FOIA, you have the right to appeal this partial denial determination to EPA, Office of Environmental Information, Records, Privacy, and FOIA Branch (2822T), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. The appeal must be made in writing, and it must be received at this address no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30-day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number, R9-2013-009029. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal".

Please contact Steve Berninger at (415) 972-3909 or berninger.stephen@epa.gov if you have any questions concerning this matter.

Sincerely,



Enrique Manzanilla
Superfund Division Director

cc: Steve Berninger, w/encls.
Lynda Deschambault, w/encls.

ENCLOSURE A - DOCUMENTS BEING WITHHELD
FOIA REQUEST R9-2013-009029

We are unable to provide you with the following portions of documents that have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. Section 552(b)(6), which pertains to information the release of which would constitute an unwarranted invasion of the personal privacy of third parties. Specifically, third parties' home address(es), personal email address(es), and a statement regarding a personal residence that are contained in the following documents are being withheld (redacted) on this basis:

- Letter from Mnemonics, Inc., February 21, 2013 (residential address and personal email address).
- Letter from Angeles Chemical Company, Inc. and John Locke, February 4, 2013 (residential addresses).
- Letter from Transamerican Plastics Corporation, December 2, 2012 (residential address).
- Letter from Transamerican Plastics Corporation, November 16, 2012 (residential address).
- Letter from Cast Metal Finishing, November 10, 2012 (residential address, phone number, employment history, and personal financial information).
- Letter from Western Circuits, Inc., November 9, 2012 (residential address).
- Email from Angeles Chemical Company, Inc. and John Locke, October 15, 2012 (residential addresses).
- Email from Foss Plating Company, Inc., October 3, 2012 (personal email address).
- Letter from S-R Sweeps Co., undated (personal medical history).

We also have determined that certain documents, as noted below, are exempt from mandatory disclosure under 5 U.S.C. Section 552(b)(7)(A), which pertains to records or information compiled for law enforcement purposes, the release of which reasonably could be expected to interfere with enforcement proceedings. All of these documents contain settlement communications (e.g., offers or other information that generally facilitates settlement), the release of which could be expected to interfere with EPA's ability to reach settlement with parties to whom it sent its September 2012 special notice letters, and with whom EPA is engaged in negotiations for the implementation of EPA's selected OU2 interim remedial action and for payment of EPA's past and future response costs:

- Letter to Lynda Deschambault, EPA Remedial Project Manager, and Steve Berninger, EPA Office of Regional Counsel, dated January 31, 2013 (2 pages);
- Letter to Stephen Berninger, dated January 31, 2013 (1 page);
- Letter to Steve Berninger, February 1, 2013 (9 pages), including nine attachments;
- Letter to Stephen Berninger and Lynda Deschambault, February 4, 2013 (2 pages), including two attachments;
- Letter to Kathleen Salyer, February 4, 2013 (11 pages), including four attachments;
- Letter to Stephen Berninger, February 26, 2013 (2 pages); and
- Letter to Lynda Deschambault and Stephen Berninger, March 7, 2013 (5 pages).

Enclosure A

UNSCANNABLE MEDIA

To use the unscannable media document # **2279875**

Contact the Region IX Superfund Records Center